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MEMBER FOR BRADFIELD
MINISTER FOR COMMUNICATIONS, CYBER SAFETY AND THE ARTS
11 JUNE 2019**

TRANSCRIPT – ABC RADIO MORNINGS WITH PATRICIA KARVELAS

Topics: *AFP's raids on the ABC; media freedom; ABC Funding.*

PATRICIA KARVELAS:

Well following widespread condemnation of those raids on the media, including the ABC, the Federal Government is under immense pressure to demonstrate that it supports the freedom of the press. Today, the ABC Chair will meet with the Prime Minister. The Minister for Communications is Paul Fletcher and he joins us this morning. Minister, welcome.

PAUL FLETCHER:

Good morning Patricia. Good to be with you.

PATRICIA KARVELAS:

Thank you for joining us. What will you do to protect press freedom in Australia?

PAUL FLETCHER:

Well, press freedom is obviously a bedrock principle in a democracy. It's very important for example that editorial decisions are made by media organisations independent of government. That media makes the decisions about the issues it chooses to cover. Of course, our Labor opponents in 2013 sought to establish the public interest media advocate which was described by one media executive as an attempt to introduce government sanctioned journalism. So it's a been a bit rich seeing Labor trying to claim that they're in some way advocates for press freedom. Our Government strongly supports press freedom and indeed, just in the last couple of years, we introduced provisions into the Commonwealth Criminal Code which included defence for journalists who receive information and deal with it if they genuinely believe it's in the public interest.

PATRICIA KARVELAS:

So will you launch an inquiry, Minister?

PAUL FLETCHER:

Well, in relation to the question of an inquiry, what the Prime Minister said when he was asked last Friday was he talked about the process by which the Australian Federal Police had obtained search warrants. Bear in mind they had to go to a judicial officer to get them, but the process by which they then executed those search warrants, the process that was entirely their operational decision not pre-briefed to Ministers. And the Prime Minister said if there are deficiencies in that process and the Government always looks at these things. Of course our Government leader in the Senate Mathias Cormann said yesterday, when he was asked about the question of would there be a Senate Inquiry, he said there's a range of issues to be considered here and there will be some further statements in relation to this later in the week.

So I'm not going to add to what the Prime Minister or what Minister Cormann have had to say, but I do want to make the point – we're strong defenders of press freedom. It's a very important principle. Now, the ABC Chair spoke to me last week. She later publicly reported accurately on the content of that conversation. She put to me in strong views, in strong terms, the ABC's concerns. That's entirely her right and she's entirely, it's entirely appropriate for her as Chair of the ABC to be doing that.

And can I make this point, the Australian Federal Police, like media organisations, like any citizen are subject to the rule of law. So...

PATRICIA KARVELAS:

So is the rule of law broken then, Minister? That's the key question.

PAUL FLETCHER:

Well, the point I'd make is there are media reports that the ABC is intending to go to court to challenge the circumstances in which the search warrant was executed. If that is true, I have not been briefed on it at this point. But if that's true, that's entirely within their rights and it's consistent with the operation of the Federal Police under the rule of law.

The important thing in a democracy is that we balance up all of the relevant considerations. Freedom of the press is a key consideration, but of course, there are always factors such as the law of defamation, the law of sub judice which says you can't print things which might prejudice somebody's right to a free trial. So there are obviously always a range of factors to balance up.

PATRICIA KARVELAS:

So you're saying that this can be resolved through the courts?

PAUL FLETCHER:

What I'm saying is the way these factors are balanced up is in legislation which is passed by a democratically elected Parliament.

PATRICIA KARVELAS:

But my question is - is the Government prepared to consider a media freedom act that positively puts the role of the press in the middle of our legal system? Is that something you're prepared to look at?

PAUL FLETCHER:

And my response to you Patricia is that these are not novel issues. Indeed the provisions of the Crimes Act under which the AFP is conducting its investigation into government officials as to whether they breached secrecy provisions, that provision of the Crimes Act has been in place for decades. In fact...

PATRICIA KARVELAS:

[Interrupts] That's not an answer to my question, Minister. Is the Government prepared to consider a media freedom act?

PAUL FLETCHER:

What I'd say to you is the leader of the Government in the Senate was asked a question about a Senate Inquiry and he gave the answer which I've cited. I'm not going to add to that.

PATRICIA KARVELAS:

Well hang on a minute – you're the Communications Minister. Do you think there is now grounds for a proper inquiry to look at the issues of freedom for the press?

PAUL FLETCHER:

What I think is that there is always a range of factors to be balanced up. Freedom of the press is very important, and indeed just recently we legislated provisions giving a defence for journalists as I've already mentioned.

PATRICIA KARVELAS:

And do you think that you need an inquiry now to look at this?

PAUL FLETCHER:

Well, again, as the Senate leader, as our Senate leader has said, there's a range of issues to be considered here and there'll be further statements in relation to this later in the week...

PATRICIA KARVELAS:

[Talks over] Can you give me an indication of what those further statements might indicate Minister?

PAUL FLETCHER:

No, I'm not going to be adding to what our leader in the Senate has said. But what I will say is freedom of the press is a bedrock principle. It always needs to be balanced up against other things, that's always an issue in a democracy. What is important is that these laws which weigh up these factors are passed by democratically elected parliament, and then media organisations, journalists, others are free to exercise their legal rights including to challenge, for example, the exercise of a search warrant as it's reported the ABC intends to do. And that is absolutely their legal right in a democracy and it's absolutely appropriate that the Chair of the ABC should be a strong advocate for press freedom. And she made those points to me strongly last week.

PATRICIA KARVELAS:

[Interrupts] But is the Government prepared to consider a media freedom act?

PAUL FLETCHER:

Well again, I'm not going to add to what has been said.

PATRICIA KARVELAS:

So is it something you're willing to consider?

PAUL FLETCHER:

Well again, Patricia, you can keep asking the question...

PATRICIA KARVELAS:

[Interrupts] I can because I don't have an answer Minister.

PAUL FLETCHER:

... and I'm going to keep giving you the answer which is I am not going to add to what the Government's leader in the Senate said yesterday about this, which is that there'll be further statements in relation to this later in the week.

PATRICIA KARVELAS:

Okay. So you won't rule out considering a media freedom act?

PAUL FLETCHER:

Again, I refer you to what our leader in the leader of the Government in the Senate has said. That is the Government's position in relation to whether there will be a Senate Inquiry, consistent with our strong belief in the freedom of the press, the importance...

PATRICIA KARVELAS:

[Interrupts] So you think the best place to sort this out is through the courts?

PAUL FLETCHER:

The courts have an important role in a parliamentary democracy. It has always been the case that freedom of the press is an important principle in our parliamentary democracy and in every democracy. It's also always been the case that a range of considerations get weighed up, so there are limits under the laws of defamation, the laws of sub judice to say national security laws and others. So there's nothing novel about the fact that these things are balanced up. And one of the proof points there is the fact that the provisions that the AFP are conducting this inquiry into government officials about are provisions that have been in the Crimes Act for many decades.

PATRICIA KARVELAS:

And that's why there's now a call for a review and a new act.

PAUL FLETCHER:

Well the point I'd make is that the provision that I cited which gives a defence for journalists was added into the legislation just in the last couple of years. So the Parliament, the democratically elected Parliament made a judgement in weighing up these factors that there should be such a defence and that defence is now in the law.

PATRICIA KARVELAS:

Do you think that defence is strong enough?

PAUL FLETCHER:

That defence is important and it reflects the very principle that you're asking about and that our Government considers is important, which is the importance of freedom of the press.

PATRICIA KARVELAS:

Very quickly, Ita Buttrose told you that these raids were clearly designed to intimidate. Do you agree with them?

PAUL FLETCHER:

I would not myself share those sentiments but Ita put those views to me strongly. Ita is a very experienced media executive. She has dealt with Sir Frank Packer and Kerry Packer over many decades. She's very accustomed to speaking without fear or favour. That's what she's in the job to do and I'm sure she'll continue to do it.

PATRICIA KARVELAS:

And 30 seconds to answer this one, Ita Buttrose seems to think the funding door isn't closed for the ABC. Are there any circumstances where you could be persuaded to restore ABC funding?

PAUL FLETCHER:

The point I'd make is that there's over a billion dollars a year being provided to the ABC each year over the next three years. There's more than \$40 million of funding that's provided to support local news and current affairs, and of course, as Chair of the ABC, I'm sure Ita will continue to be a strong advocate for ABC funding.

PATRICIA KARVELAS:

Are you going to be at that meeting today?

PAUL FLETCHER:

I will be at the meeting.

PATRICIA KARVELAS:

And do you plan to come out and tell Ita that you have a new plan for press freedom?

PAUL FLETCHER:

As the Prime Minister has said, we'll listen to what the Chair of the ABC has to say...

PATRICIA KARVELAS:

Minister we're out of time.

PAUL FLETCHER:

I'm sure she'll put her views very firmly.

PATRICIA KARVELAS:

Minister for Communications there. It's news time, 9 o'clock.

- Ends -